

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In Re:

Bky. No.: 10-38894  
Chapter 12 Case

Minnesota Valley Landscape, Inc.  
Debtor.

**APPLICATION FOR APPROVAL OF EMPLOYMENT OF ATTORNEYS  
FOR DEBTOR**

1. Applicant is the Debtor in this matter.
2. Applicant believes that the employment of attorneys is necessary to represent and assist the Debtor in fulfilling general obligations as Chapter 12 Debtor.
3. The Debtor desires to employ Kurt M. Anderson as its attorney. Mr. Anderson's of-counsel colleagues, Brian L. Boysen and Mark R. Miller, may also render services in this case. Mr. Boysen has performed of counsel services for Mr. Anderson since 2000, and Mr. Miller during 2001-06 and 2009-present, and both are frequently identified to the public as of counsel to Mr. Anderson. The address, including zip code, of the professional is:

Kurt M. Anderson  
Attorney at Law  
PO Box 2434  
Minneapolis, Minnesota 55402-0434.

4. The compensation is proposed to be as follows: \$250.00 per hour for Kurt M. Anderson, up to that amount for other attorneys, up to \$125.00 per hour for law clerk time if any, up to \$125.00 per hour for legal assistants, plus expenses, all subject to review and allowance by this Court. All services and expenses will be billed through Mr. Anderson's accounts.
5. Said professionals have disclosed to the Debtor the following connection with the Debtor, creditors or any other party-in-interest or their attorneys or accountants, or the United States Trustee or any other person employed in the Office of the United States Trustee:

- (a) They have the following previous connection with the Debtor: Except for advice and preparation related to this case and a state foreclosure proceeding and except for Brian L. Boysen being an occasional customer at the retail location; none.
- (b) They have the following relationships with the known creditors in this case, as listed on the attachment hereto:
- (i) As a result of a life insurance policy he surrendered many years ago, Mr. Anderson still has a minute shareholder interest in Metropolitan Life Insurance Co.;
  - (ii) They pay taxes and have personal or professional matters with several of the various Minnesota and Federal tax and other agencies or entities listed as creditors;
  - (iii) Mr. Boysen has several accounts with US Bank and related entities;
  - (iv) One or more of them have been or are customers of various creditors listed including Holiday, Miller Davis, Sams Club, Speedway Super America, Star Tribune, Sprint, Home Depot, Kwik Trip, Office Max;
  - (v) Mr. Boysen is involved in an Iowa Farm Corporation that has financed equipment with a CNH entity. He has no direct relationship with that creditor.
  - (vi) To the best of Mr. Miller's recollection, he represented U.S. Bank (or its predecessors) in one matter prior to 2006.
- (c) They have various adverse counsel relationships in previous cases with attorneys and accountants for persons and entities described in paragraphs 3 a-c of their declarations, and Mr. Boysen was employed for a period of time in 1975 to 1979 with the law firm now known as Gray, Plant, Mooty, Mooty & Bennett, P.A.
- (d) They have had various adverse relationships with the United States Trustee's office and persons employed by the United States Trustee in previous cases.

WHEREFORE, Applicant prays that the Court approve such employment of counsel by the Debtor.

Minnesota Valley Landscape, Inc.

Dated: Dec. 20, 2010

By: Susan R. Lindstrom

(printed name:) Susan R. Lindstrom

Its: Vice President

- (a) They have the following previous connection with the Debtor: Except for advice and preparation related to this case and a state foreclosure proceeding and except for Brian L. Boysen being an occasional customer at the retail location; none.
- (b) They have the following relationships with the known creditors in this case, as listed on the attachment hereto:
  - (i) As a result of a life insurance policy he surrendered many years ago, Mr. Anderson still has a minute shareholder interest in Metropolitan Life Insurance Co.;
  - (ii) They pay taxes and have personal or professional matters with several of the various Minnesota and Federal tax and other agencies or entities listed as creditors;
  - (iii) Mr. Boysen has several accounts with US Bank and related entities;
  - (iv) One or more of them have been or are customers of various creditors listed including Holiday, Miller Davis, Sams Club, Speedway Super America, Star Tribune, Sprint, Home Depot, Kwik Trip, Office Max;
  - (v) Mr. Boysen is involved in an Iowa Farm Corporation that has financed equipment with a CNH entity. He has no direct relationship with that creditor.
  - (vi) To the best of Mr. Miller's recollection, he represented U.S. Bank (or its predecessors) in one matter prior to 2006.
- (c) They have various adverse counsel relationships in previous cases with attorneys and accountants for persons and entities described in paragraphs 3 a-c of their declarations, and Mr. Boysen was employed for a period of time in 1975 to 1979 with the law firm now known as Gray, Plant, Mooty, Mooty & Bennett, P.A.
- (d) They have had various adverse relationships with the United States Trustee's office and persons employed by the United States Trustee in previous cases.

WHEREFORE, Applicant prays that the Court approve such employment of counsel by the Debtor.

Minnesota Valley Landscape, Inc.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

(printed name:) \_\_\_\_\_

Its: \_\_\_\_\_

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

---

In re

Bky. No.: 10-38894  
Chapter 12 case

Minnesota Valley Landscape, Inc.,  
Debtor.

---

**DECLARATION OF PROPOSED ATTORNEY**

Kurt M. Anderson respectfully states to the Court as follows:

1. I am the attorney the Debtor proposes to retain as counsel in the above matter. My of-counsel colleagues, Brian L. Boysen and Mark R. Miller, may also render services in this case. Mr. Boysen has performed of counsel services for me since 2000, and Mr. Miller during 2001-06 and 2009-present, and both are frequently identified to the public as of counsel to me.

2. The professional services that we would render would be to assist and represent Debtor in present case, and in fulfilling general obligations as Chapter 12 Debtor.

3. Except as indicated below, I represent no other entity in connection with this case, I am disinterested as that term is defined in 11 U.S.C. section 101 (14), and represent and hold no interest adverse to the interest of the estate with respect to the matters on which I am to be employed. Specifically:

a. I have the following previous connection with the Debtor: Except for advice and preparation related to this case and a state foreclosure proceeding, none.

b. I have the following relationships with the known creditors in this case, as listed on the attachment hereto:

- (a) As a result of a life insurance policy I surrendered many years ago, I still have a minute shareholder interest in Metropolitan Life Insurance Co.
- (b) I pay taxes to the taxing authorities listed.
- (c) I have been or presently am a customer of various creditors listed on the attachment including Holiday, Miller Davis, Sams Club, Speedway Super America, Star Tribune, Home Depot, Kwik Trip and Office Max.

Otherwise, None.

c. I have the following relationship with any other party who may have an interest in this case: None.

d. To the best of my knowledge, I have no relationships with any attorney or accountant for any of the persons described in paragraphs 3(a-c) above, except as follows:

Except for various adverse counsel relationships in previous cases, none.

e. I have no known relationship with the United States Trustee or anyone employed by the United States Trustee, except as follows:

Except for various adverse counsel relationships in previous cases, none.

4. I expect to be compensated at the rate of \$250.00 per hour for myself, up to that amount for other attorneys, up to \$125.00 per hour for law clerk time if any, up to \$125.00 per hour for legal assistants, plus expenses, all subject to review and allowance by this Court.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 20, 2010      /s/ Kurt M. Anderson  
KURT M. ANDERSON

Attachment(s)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

---

In re

Bky. No.: 10-38894  
Chapter 12 case

Minnesota Valley Landscape, Inc.  
Debtor.

DECLARATION OF PROPOSED CO-COUNSEL

Brian L. Boysen respectfully states to the Court as follows:

1. I am proposed co-counsel with Kurt M. Anderson, the attorney the Debtor proposes to retain as counsel in the above matter. I work as “of counsel” to Mr. Anderson, and frequently identify myself to the public in that capacity. The terms of my of counsel relationship with Mr. Anderson are described in paragraph 4 herein.

2. The professional services that I would render are as follows:

a. Assist and represent Debtor in present case, and in fulfilling general obligations as a Chapter 12 Debtor;

3. Except as indicated below, I represent no other entity in connection with this case, I am disinterested as that term is defined in 11 U.S.C. section 101 (14), and represent and hold no interest adverse to the interest of the estate with respect to the matters on which I am to be employed. Specifically:

a. I have the following previous connection with the Debtors: Except for being an occasional customer at the retail location and contact regarding the farm debt matters and preparation related to this case, none.

b. I have the following relationships with the known creditors in this case, as listed on the attachment hereto:

I have been or presently am a customer of various creditors listed on the attachment including Holiday, Miller Davis, Sams Club, Speedway Super America, Star Tribune, Sprint, Home Depot, Kwik Trip, Office Max and currently have several accounts including checking, saving, credit and debit cards and mortgage loans with US Bank and related entities.

I pay taxes and have personal or professional matters with several of the various Minnesota and Federal tax and other agencies or entities listed as creditors.

I am involved in an Iowa Farm Corporation that has financed equipment with a CNH entity. I have no direct relationship with that creditor.

Otherwise, None.

c. I have the following relationship with any other party who may have an interest in this case: Except as stated above, none.

d. To the best of my knowledge, I have no relationships with any attorney or accountant for any of the persons described in paragraphs 3(a-c) above, except as follows: Except for various adverse counsel relationships in previous cases and my employment for a period of time in 1975 to 1979 with the law firm now known as Gray, Plant, Mooty, Mooty & Bennett, P.A., none.

e. I have no known relationship with the United States Trustee or anyone employed by the United States Trustee, except as follows:

Except for various adverse counsel relationships in previous cases, none.

4. I expect to be compensated pursuant to a general "of counsel" arrangement that I have with Mr. Anderson, under which I contribute to overhead, receive reimbursement of expenses, and receive payments based on receipts allocated to my billable time and expenses. I expect my fees will be billed at the rate of \$225 per hour all subject to review and allowance by this Court.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 20, 2010

/e/ Brian L. Boysen  
BRIAN L. BOYSEN

Attachment(s)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

---

In re

Bky. No.: 10-38894  
Chapter 12 case

Minnesota Valley Landscape, Inc.  
Debtor.

**DECLARATION OF PROPOSED CO-COUNSEL**

Mark R. Miller respectfully states to the Court as follows:

1. I am proposed co-counsel with Kurt M. Anderson, the attorney the Debtor proposes to retain as counsel in the above matter. I work as “of counsel” to Mr. Anderson, and frequently identify myself to the public in that capacity. The terms of my of counsel relationship with Mr. Anderson are described in paragraph 4 herein.

2. The professional services that I would render are as follows:

Assist and represent Debtor in present case, and in fulfilling general obligations as a Chapter 12 Debtor;

3. Except as indicated below, I represent no other entity in connection with this case, I am disinterested as that term is defined in 11 U.S.C. section 101 (14), and represent and hold no interest adverse to the interest of the estate with respect to the matters on which I am to be employed. Specifically:

a. I had the following connections with the Debtor prior to the commencement of this case: None.

b. I have the following relationships with the known creditors in this case, as listed on the attachment hereto:

(1) I have been a subscriber and occasional customer of Minneapolis Star Tribune.

(2) I have personal matters with the Minnesota and Federal tax agencies or entities listed as creditors.

(3) To the best of my recollection, I represented U.S. Bank (or its predecessors) in one matter prior to 2006.



Otherwise, None.

c. I have the following relationship with any other party who may have an interest in this case: Except as stated above, none.

d. To the best of my knowledge, I have no relationships with any attorney or accountant for any of the persons described in paragraphs 3(a-c) above, except as follows:

Except for various adverse counsel relationships in previous cases, none.

e. I have no known relationship with the United States Trustee or anyone employed by the United States Trustee, except as follows:

Except for an adverse party relationship with the U.S. Trustee in a previous case, none.

4. I expect to be compensated pursuant to a general “of counsel” arrangement that I have with Mr. Anderson, under which I contribute to overhead, receive reimbursement of expenses, and receive payments based on receipts allocated to my billable time and expenses. I expect my fees will be billed at the rate of \$225 per hour all subject to review and allowance by this Court.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 20, 2010

/s/ Mark R. Miller  
MARK R. MILLER

**Minnesota Valley Landscape, Inc.– Bky. No.: 10-38894 – Creditor and Related Party List**

Allyn A. Lindstrom	FIRST DAKOTA INDEMNITY	MNLA
Gladys B. Lindstrom	COMPANY	MTI DISTRIBUTING
David A. Lindstrom	FOSTER CARLSON WHITE	MULLIN TRUCKING INC
Susan R. Lindstrom	AGENCY	NEW ENGLAND POTTERY
Cheryl L. Zilka	FOSTERS, INC	Nextel/Sprint
Minnesota Valley	FRIEDGES LANDSCAPING	Northern Leasing
Wholesale, Inc.	GARDENWORLD	NOVA COMMUNICATIONS
MV Labor, Inc. dba	GLEN P. BRUDER	NYEN EXCAVATING
Minnesota Valley	GMS INDUSTRIAL SUPPLY	OBERLE, LTD
Labor	GREAT NORTHERN NURSERY	Office Max
	HANCE UTILITY SERVICES,	OLE UNDERGROUND INC
	INC	OREGON PRIDE NURSERY,
Cap Financial CV3, LLC	HOFFAMN WOOD FIBER LLC	INC
Metropolitan Life	HOFFMAN FILTER SERVICE	PICHA, JAY & LAUREEN
Insurance Co.	HOLASEK GREENHOUSES	PITNEY BOWES GLOBAL
	HOLIDAY FLEET	PLAISTAD COMPANIES INC
AGASSIZ SEED & SUPPLY	HOLLAND BEAUTY	PRIME SECURITY BANK
Alarm Center	Home Depot	PRINCE CORP
ALLENS SERVICE INC	IDEARC MEDIA CORP	PRINSBANK
AMSCAN	INTEGRA TELECOM	RDN CONTRACTING INC
Aramark	INTERNAL REVENUE	REGAN TAX LAW
AURORA LOAN SERVICES	SERVICE	RUMPCA COMPANIES INC
Auto-Owners	ITML HORTICULTURAL	SAMS CLUB
BAILEY NURSERIES	PRODUCTS	SANDNESS CONSTRUCTION
BELLE PLAINE COOP	JASPERS, MORIARITY AND	SCOTT COUNTY DEPT. OF
BENNETT, FRANCIS	WALBURG	TAXATION
Bergeson Caswell	JESSE & LAVERNE COGHILL	Siwek Lumber
BIXBY PORTABLE TOILET	JILLIAM, LLC	SMITH GARDEN CENTER INC
BORK TREE FARM INC	JOE & JEANNE FREY	SOUTH CEDAR
CENTRAL IRRIGATION	JOHN DEERE LANDSCAPES	SPEEDWAY SUPER AMERICA
Central Pension Fund	JOSEPH MULLIN TRUCKING	STAR TRIBUNE
(49ers)	KELLY FUELS INC	TERRA
CENTRAL TURF	Kwik Trip	TESSMAN SEED
CENTRAL WISC EVERGREENS	KRIS RATZLOFT	TOLL GAS & WELDING
CHEROKEE MANUFACTURING	LEANN D COATS	TOPS, INC
CITIZENS STATE BANK	LECHUZA	TROPICAL GARDENS
(Shakopee MN)	LIVINGSTON SEED CO	UNDERGROUND LOGISTICS
CNH CAPITAL	MAIN STREET PROPERTIES	US BANK
CONCRETE CUTTING &	LLC	WALTERS GARDENS
CORING	MARK VANDEPUTTE	WESTFIELD INSURANCE
CONCRETE MOBILITY LLC	MARY BROWN ESTATE	WILCO IMPORTS INC
CRYSTAL CANYON -	MEADOW LAKE NURSERY	WILLOWWAY
ECOWATER	MEDICA	YOCUM OIL CO, INC
DIGGERS INC	MERDOT INC	ZELENKA NURSERY, LLC
DISCOVERIES IN	MILLER DAVIS	
GARDENING	MINNESOTA DEPARTMENT OF	
DRESSER TRAP ROCK	TRANSPORTATION	
EILEN & SON TRUCKING	MINNETONKA DRIVE IN	
EVERGREEN ENTERPRISES,	MN DEPT REVENUE	
INC	MN VALLEY ELEC COOP	
EVERGREEN SANITATION	MN. DEPT. OF EMPLOYMENT	
FERRELLGAS	AND ECONOMIC SEC	

### **Declaration of Service via e-Notice**

Brian L. Boysen respectfully states that to the best of his knowledge, all parties entitled to service of the enclosed or concurrently filed:

APPLICATION FOR APPROVAL OF EMPLOYMENT OF ATTORNEYS FOR DEBTOR  
DECLARATION OF PROPOSED ATTORNEY (Anderson)  
DECLARATION OF PROPOSED CO-COUNSEL (Boysen)  
DECLARATION OF PROPOSED CO-COUNSEL (Miller)  
Minnesota Valley Landscape, Inc.– Bky. No.: 10-38894 – Creditor and Related Party List

This proof of service  
Proposed Order

will receive electronic e-mailed notice of filing, with a link to the copy thereof, from the court's CM/ECF server.

### **VERIFICATION**

I hereby declare under penalty of perjury that I have read the foregoing Declaration of Service and that the facts stated therein are true and correct.

December 20, 2010

/e/ Brian L. Boysen  
Brian L. Boysen

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MINNESOTA

---

In re:

Case No. 10-38894  
Chapter 12 Case

Minnesota Valley Landscape, Inc.  
Debtor.

---

**ORDER APPROVING EMPLOYMENT OF ATTORNEYS**

On December 20, 2010 Debtor filed an application for approval to employ Kurt M. Anderson and associated of counsel as its attorneys.

Upon that Application, and for cause shown and pursuant to the provisions of Title 11, United States Code, Sec. 327.

**IT IS ORDERED,**

That the professional employment applied for is hereby approved subject to the limitations on compensation provided by Title 11 United States Code 328.

So ordered this \_\_\_\_ day of \_\_\_\_\_, 201\_.

**BY THE COURT:**

---

Nancy C. Dreher  
Chief United States Bankruptcy Judge